



DOCKET NO.: ISIS-4803

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Cook et al.

Confirmation No.: 9800

Application No.: 09/973,981

Group Art Unit: 1637

Filing Date: October 9, 2001

Examiner: J. Riley

For: NUCLEOSIDIC AND NON-NUCLEOSIDIC FOLATE CONJUGATES

**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE
PATENTING REJECTION OVER A PRIOR PATENT**

The owner, **ISIS Pharmaceuticals, Inc.**, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,335,434. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all

claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

(Check either box 1 or 2 below, if appropriate)

1. For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

The required statement under 37 CFR § 3.73(b) is attached.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney of record.

FEE STATUS

3. Applicant(s) has previously claimed small entity status under 37 CFR § 1.27.

4. Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR § 1.27 as:

an Independent Inventor

- a Small Business Concern
- a Nonprofit Organization
- Small Entity - **\$55.00**
- 5. Other than a Small Entity - **\$110.00**

Date: August 27, 2003



Emma R. Dailey
Registration No. 48,491

Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439